TABLE 12

Lesghian Adats Regarding Abduction

Province (Okrug)	District (Obščestvo) or other division	Penalties for abducting an unmarried woman (girl, divorcée, or widow): Death penalty	Banishment	Bloodwite	Marriage: Obligatory for abductor*	Marriage: If father of bride consents ‡	engaged woman: Usual penalties	engaged woman: Additional penalty	married woman: Death penalty	married woman: Banishment	married woman: Blood wite	married woman: "No case on record" §	Penalties for coöperating with abductor: By harbouring abductor	By coöp. in actual capture	Number of Foot note	Sources†
Avar			+	+		+	+		+			—			(1)	L'vov. p. 21
Gunib				+		+	+		+			—			(1)	L'vov, p. 21
Andi		+				+	+		+			—				Baddeley, II, 88
Lak		+				+	+		+			—				Kovalevskij, Zakon II, 176 f. Omarov, p. 21.
Kurin	Mahal Urdzhamul						+	+			+	—			(2)	AJuDO, 48
Kaitago-Tabassaran	Mahal Karakaitag			+		+	+	+							(3)	AJuDO, 44
	North Tabassaran			+		+		+							(4)	AJuDO, 24
Dargwa	Mikakhi											+	One ox	Various Penalties	(5)	ADO, 50
	Tsudakhar	+					+		+			—	One Ox		(6)	ADO, 116 f.
	Akusha			+		+	+					+	One Ox		(7)	ADO, 37
	Mugn	—	+				+						One ox (Rs. 4)	One ox	(8)	ADO, 63 f.
	Sirgua			+		+						+		Rs. 3	(9)	ADO, 77
	Hyuraki		+	+		+						+	One ox (Rs. 8)	One ox	(10)	ADO, 90 f.
	Usisha	+		+		+						+	Rs. 3	Rs. 3		ADO, 104 f.

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583 of the Soviet Government on perfect freedom in mating, certainly contributed, especially psychologically, to the change from frequent marriage by capture to elopement.

An important problem, which perhaps will remain a problem for some time to come, is that regarding the origin of Caucasian marriage by capture. At least negatively we can unhesitatingly affirm that abduction is not a survival of *the* original form of marriage.[88] It seems rather to be the most logical result of marriage by purchase. The origin of the practice is more easily explained by high *kalym* rather than primitive "savagery." The main occasion for kidnapping a wife, formerly as well as in recent times, has always been the inability of the groom's family to amass the enormous bride wealth demanded.[89] The refusal of the girl's family to give her in marriage to her lover is often occasion for bride capture or elopement; but the ultimate reason for the refusal is almost always an economic one. When a sib or family cannot afford [581] the required *kalym*, the only means of acquiring a wife is to capture her. To remain unmarried is as unthinkable as the extinction of a family. When the *kalym* is too high, the lover, accompanied by his friends, organizes an attack, kidnaps the girl he loves, and generally deflowers her on the very first occasion. Even if afterwards the abducted girl be allowed to return to her family (and sometimes the *adats* insist on her return), she no longer can expect to find another husband. Her choice is therefore between remaining unmarried all her life or to be the wife of her capturer. Once the girl has been abducted, the young man has the girl's family, so to speak, at his mercy. To borrow Baddeley's words, "With the mountaineers the accomplished fact meant much. Once bedded, though not yet wedded, the quarrel, till then deadly, became, as a rule, mere matter for adjustment—mainly financial adjustment."[90] Her family realize that the girl has lost her economic value and that now, after all, the best thing to do is to let her ravisher have his way. To marry her off to another man would disgrace the family. The capturer has the upper hand and can set the *kalym* more or less according to his limited means.[91]

We do not deny the possibility of other motives for bride capture. We can very well imagine how an Ingush "dare-devil" might organize a raid and kidnap a girl just to prove his mettle.[92] We can also very well imagine how a romantic Kabardian might kidnap his beloved just to add a bit of zest and charm to courtship. But such motives are extremely rare and insignificant compared to the inability to pay the *kalym* demanded.

583 Although bride capture and elopement are general, as general as high *kalym* 682 and poverty, nowhere in the Caucasus are they regarded as a legitimate means. The *adats* of all Caucasians classify marriage by capture and elopement as an offense equal to murder. They are an offense against the bride's relatives, living

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[88] Cf. J. F. McLennan, *Studies in Ancient History*, pp. 9 ff.

[89] Cf. Dirr, AGKB, p. 125; Leontovič, II, p. 252, § 150; Jakovlev, *Ingуši*, pp. 52 f.

[90] Baddeley, *The Rugged Flanks of Caucasus*, II, p. 224, *note*.

[91] Cf. Günther, *op. cit.*, pp. 331—340; N. F. Grabovskij, "Očerk suda i ugolovnych prestuplenij v Kabardinskom okrugě," pp. 39, 41 f; Leontovič, II, p. 257, § 198; Leontovič, II, p. 118, § 18.

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as well as departed, a degradation of her womanly dignity, a serious usurpation of the inviolable *patria potestas*.[93] To borrow Baddeley's words again: "Woe betide the gay lover should the fleetness of his horse fail to place between him and his pursuers the barrier of a black night... if caught in the first hot pursuit, the hero of the escapade paid for his love and daring with his life, the daggers of the vengers sheathed in his heart..."[94]

When a daughter elopes (runs away or is "captured") she too is in constant danger of being killed by her own family, till, of course, reconciliation takes place. Fortunately, everywhere among the mountain tribes the customary law requires all to give shelter and protection to the "bride" and "groom," however in separate *saklias* (houses) or rooms.[95]

Besides seriously endangering his life, the capturer is obliged to pay certain additional fines, as is the case in the NORTHWEST, for example, among the Kabardians,[96] and in the NORTHEAST among the Lesghians[97] and Ingushi.[98] In Ingushetia the *adats* demand the liberation of the abducted woman and a fine of Rs. 50 from the abductor and Rs. 15 from all who cooperated with him.[99] On account of the many details and repetitions involved we present the Leshian *adats* in the form of a table (Table 12). The SOUTHERN CAUCASIANS, the Khevsurs, have an additional penalty known as *banse shekhtoma*, i. e., reconciliation "by jumping on the roof," which consists in a special feast for the relatives and neighbours of the abducted woman, and a fine of a one- or two-year-old ox and a kettle.[100] The *adats* of the TURKIC peoples of the Caucasus likewise impose additional fines for abduction. The Kumykian and Nogaian *adats* demand full bloodwite as a condition for reconciliation.[101] If the bride refuses to remain with the kidnapper, she must be allowed to return, and, besides, he must give her the full *kebin-khak* (the usual guarantee given to the wife in case of divorce).[102]

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[93] Grabovskij, "Ekonomičeskij i domašnij byt etc.," p. 21.

[94] Cf. Dirr, FT, pp. 125 f; Castagné, *op. cit.*, pp. 271 f; Grabovskij, "Očerk suda i ugolovnych prestuplenij v Kabardinskom okruge," p. 36.

[95] Baddeley, *op. cit.*, II, pp. 88 f.

[96] Dirr, FT, p. 126; "Adaty Darginskich Obščestv," SSKG, VII (1873), p. 50.

[97] Grabovskij, "Očerk suda etc." pp. 39, 41 f.

[98] See Table 12.

[99] Leontovič, II, p. 170, § 127.

[100] *ibid.*

[101] Seidlitz, "Gemeinde- und Familienleben der Chewsuren," *Das Ausland* (1891), No. 16, p. 318.

[102] Semenov, "Očerki narodnych obyčaev Kumykov Terskoj Oblasti," *Terskij Sbornik*, II (1892), No. 2, Part 2, p. 77, § 12.

[103] "Adaty žitelej Kumyskoj ploskosti," SSKG, VI (1872), pp. 15 f.